



Appeal Decision

Site visit made on 5 October 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023

Appeal Ref: APP/P4605/W/22/3299289

BHM20304 - Kitsland Road Streetworks, Kitsland Road, Shard End, Birmingham, B34 7JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Birmingham City Council.
- The application Ref 2021/10398/PA, dated 8 December 2021, was refused by notice dated 4 March 2022.
- The development proposed is the installation of a 15 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require regard be had to the development plan. Consequently, I have taken it into account as a material consideration but only insofar as the policies relate to matters of siting and appearance.

Main Issues

4. In the context of the above, the main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of nearby occupants, and if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The appeal site is an area of footway on the corner of Longmeadow Crescent and Kitsland Road. The immediate area is generally residential in nature and is characterised by two-storey semi-detached and terraced dwellings. At this location dwellings are set back from the highway with a large, grassed area to their front. The proposed development would be located where the grassed

area adjoins the footway. The appeal site, being on a corner, is in a prominent location and is located opposite a junction. Whilst there are streetlighting columns, telegraph poles and overhead lines in the wider area, apart from a post box the appeal site is devoid of such furniture. Street trees are located on the grassed verges adjacent to the appeal site. The existing street furniture is considerably shorter than the proposal and the street trees are also modest in scale.

6. Therefore, the proposal would appear visually intrusive and dominant in the street scene, noticeably taller and wider than other existing street furniture and street trees. This would be emphasised by the prominent location of the appeal site at the junction of several roads from which the proposal would be a dominant addition.
7. The appeal site is in a residential area where there would be views of the proposal from a number of nearby houses, particularly No's 225 and 227 Longmeadow Crescent. Whilst the proposal would be visible from within these dwellings, the extent to which the proposal would impact on their outlook would be limited due to the distance between the proposal, which would be on the opposite side of the road. Consequently, the proposal would not result in unacceptable impacts on living conditions of nearby residents with respect to outlook.
8. I note the alternative locations considered by the appellant and reasons given for discounting each of those. I also note that no evidence regarding the reasoning to discount mast sharing or the use of buildings has been submitted.
9. Given the harm I have identified to the character and appearance of the area, alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme. There are a number of discounted sites located near Hurst Lane and Shard End. These have largely been discounted due to scarring on the pavement indicating services and their proximity to dwellings. However, this is a large area with potential to move the specific location of a mast. Pavements appear wide in some areas, with other street furniture already located within the footway. There also appears to be no overhead lines. Additionally, the immediately vicinity of the site does not appear to be wholly residential in character, being close to The Crown at Shard End. Therefore, subject to further investigation this site might reasonably be less harmful to character and appearance than the appeal scheme.
10. I recognise the importance of good, fast, reliable, and cost-effective communications and the support for high quality communications infrastructure within the Framework. Nevertheless, I conclude that the harm from the siting and appearance of the proposed installation on the character and appearance of the area would not be outweighed by the need for the installation to be sited as proposed, considering the potential for suitable alternatives.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR